

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is original.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### METHOD AND APPARATUS FOR HARVESTING AND IMPLANTING BONE PLUGS

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

  X   is attached hereto.

           was filed on            as Application Serial No.            and amended on            (if applicable).

           was filed as PCT international application No.                                 , on                                  and was amended under PCT Article 19 on                                  (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year/Filed)</u>	<u>Yes</u>	<u>No</u>
-----------------	------------------	-------------------------------	------------	-----------

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year/Filed)</u>	<u>Yes</u>	<u>No</u>
-----------------	------------------	-------------------------------	------------	-----------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (filing date)	_____ (status-patented, pending, abandoned)
-----------------------------------	------------------------	--

_____ (Application Serial No.)	_____ (filing date)	_____ (status-patented, pending, abandoned)
-----------------------------------	------------------------	--

PCT Applications designating the United States:

_____ (PCT Appl. No.)	_____ (U.S.S.N.)	_____ (status-patented, pending, abandoned)
--------------------------	---------------------	--

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  
Sam Pasternack, Reg. No. 29,576; David J. Powsner, Reg. No. 31,868; Mary Rose Scozzafava, Reg. No. 36,268; Mary Raynor Jimenez, Reg. No. 37,219; Brenda Herschbach Jarrell, Reg. No. 39,223; Kevin M. Tormey, Reg. No. 41,351; and Paul A. Pysher, Reg. No. 40,780.

Address all telephone calls to David J. Powsner at telephone no. (617) 248-4030.

Address all correspondence to David J. Powsner, Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109-2891.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor: Mark A. Johanson

Inventor's signature: X Mark A. Johanson

Date: X JUNE 29, 1998

Residence: 5 Harvest Lane, Littleton, Massachusetts

Citizenship: United States

Post Office Address: same

Full name second inventor: Bill Barnes

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 153 Covington Court, Macon Georgia

Citizenship: United States

Post Office Address: same

Full name third inventor: Donald J. Rose

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 25 East End Avenue, New York, New York

Citizenship: United States

Post Office Address: same

Full name of first inventor: Mark A. Johanson  
Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 5 Harvest Lane, Littleton, Massachusetts  
Citizenship: United States  
Post Office Address: same

Full name second inventor: Bill Barnes  
Inventor's signature: X Bill Barnes Date: X 7/1/9  
Residence: 153 Covington Court, Macon Georgia  
Citizenship: United States  
Post Office Address: same

Full name third inventor: Donald J. Rose  
Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 25 East End Avenue, New York, New York  
Citizenship: United States  
Post Office Address: same

Full name of first inventor: Mark A. Johanson

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 5 Harvest Lane, Littleton, Massachusetts 01460-1280

Citizenship: United States

Post Office Address: same

Full name second inventor: Bill Barnes

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 153 Covington Court, Macon Georgia 31210-4447

Citizenship: United States

Post Office Address: same

Full name third inventor: Donald J. Rose

Inventor's signature: X [Signature] Date: X 7/1/91

Residence: 25 East End Avenue, New York, New York 10028-7052

Citizenship: United States

Post Office Address: same

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Nos.: 08/976,257 Filed: November 21, 1997  
09/086,508 Filed: May 28, 1998  
09/371,411 Filed: August 10, 1999  
10/004,398 Filed: October 23, 2001

Atty. Docket Nos.: 22956-134, 22956-114, 22956-141, 22956-153

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

Aug. 15, 2002  
Date of Signature and Mail Deposit

By:

Lisa J. Michaud  
Lisa J. Michaud, Reg. No: 44,238  
Attorney for Applicant

Commissioner for Patents  
Washington, D.C. 20231

**REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW POWER OF ATTORNEY**

Dear Sir:

Ethicon, Inc. (a Johnson & Johnson Company), the owner of the entire right, title and interest in the above-identified patent application by way of a merger of Innovative Devices, Inc. into Ethicon, Inc. (see attached copy of Certificate of Merger), hereby revokes all previous Powers of Attorney heretofore granted with respect to the above-referenced applications and appoints the below-listed attorneys/agents with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office connected therewith:

William C. Geary III	Reg. No. 31,359
Ronald E. Cahill	Reg. No. 38,403
Thomas J. Engellenner	Reg. No. 28,711
Reza Mollaaghababa	Reg. No. 43,810
Lisa Michaud	Reg. No. 44,238
David J. Powsner	Reg. No. 31,868
Tram Anh T. Nguyen	Reg. No. 47,257
Jasbir Sagoo	Reg. No. P51177
Geoffrey S. Smith	Reg. No. P-52,231
David Nielson	Reg. No. P-52,069

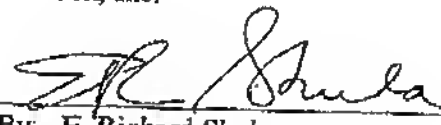
all of Nutter, McClennen & Fish, LLP, One International Place, Boston, Massachusetts 02110,  
United States of America, Customer Service Number 021125, and send correspondence to:

William C. Geary III  
NUTTER, MCCLENNEN & FISH, LLP  
One International Place  
Boston, MA 02110

Phone (617) 439-2766  
Fax (617) 310-9766  
e-mail: [wcg@nutter.com](mailto:wcg@nutter.com)

Ethicon, Inc.

Aug 12, 2002  
Dated:                     

  
By: E. Richard Skula  
Title: Assistant Secretary, Ethicon, Inc.  
Route 22 West  
Somerville, NJ 08876

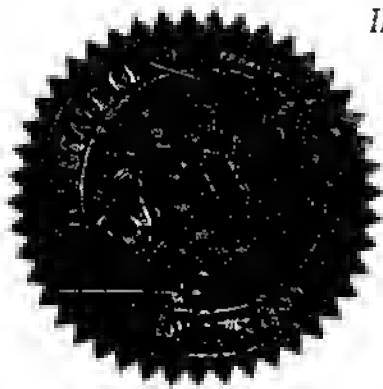
1120444.1

STATE OF NEW JERSEY  
DEPARTMENT OF TREASURY  
CERTIFICATE RELATIVE - MERGER

*ETHICON, INC.*

*With the Previous or Alternate Name  
JOHNSON & JOHNSON MEDICAL, INC.*

*I, the Treasurer of the State of New Jersey,  
do hereby certify, that the above-named  
New Jersey Domestic Profit Corporation did  
on the 23rd day of December, 1999, file and record  
in this department a Certificate of Merger of  
INNOVASIVE DEVICES, INC.  
into ETHICON, INC.  
which is the surviving business entity. This certificate  
is herein issued as by the statutes of this State required.*



IN TESTIMONY WHEREOF, I have  
hereunto set my hand and  
affixed my Official Seal  
at Trenton, this  
6th day of April, 2001

A handwritten signature in cursive script, reading "Peter R. Lawrance". The signature is written in dark ink and is positioned to the right of the official seal.

Peter R Lawrance  
Acting State Treasurer